

EXHIBIT D

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9 Attorney for Plaintiff,
10 **DIGITECH IMAGE TECHNOLOGIES, LLC**

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 DIGITECH IMAGE TECHNOLOGIES, LLC,

14 Plaintiff,

15 v.

16 AGFAPHOTO HOLDING GMBH;
17 AGFAPHOTO USA CORPORATION; B&H
18 FOTO & ELECTRONICS CORP.; BEST BUY
19 CO., INC.; BEST BUY STORES, LP;
20 BESTBUY.COM, LLC; BUY.COM INC.;
21 CANON INC.; CANON U.S.A., INC.; CASIO
22 COMPUTER CO., LTD.; CASIO AMERICA,
23 INC.; CDW LLC; FUJIFILM
24 CORPORATION; FUJIFILM HOLDINGS
25 CORPORATION; FUJIFILM HOLDINGS
26 AMERICA CORPORATION; GENERAL
27 ELECTRIC COMPANY; GENERAL
28 IMAGING COMPANY; VICTOR
HASSELBLAD AB; HASSELBLAD USA
INC.; LEICA CAMERA AG; LEICA
CAMERA INC.; MAMIYA DIGITAL
IMAGING CO., LTD.; LEAF IMAGING LTD.
D/B/A MAMIYALEAF; MAMIYA AMERICA
CORPORATION; MICRO ELECTRONICS,
INC.; NEWEGG, INC.; NEWEGG.COM,
INC.; NIKON CORPORATION; NIKON INC.;
NIKON AMERICAS, INC.; OLYMPUS
CORPORATION; OLYMPUS AMERICA
INC.; OVERSTOCK.COM, INC.;
PANASONIC CORPORATION; PANASONIC

Case No.: **SACV12-1153 MLG**

**COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 6,128,415**

DEMAND FOR JURY TRIAL

Complaint Filed: July 16, 2012

Trial Date: not set

FILED
2012 JUL 16 11:11:52
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SANTA ANA

1 CORPORATION OF NORTH AMERICA;
2 PENTAX RICOH IMAGING CO., LTD.;
3 PENTAX RICOH IMAGING AMERICAS
4 CORPORATION; RICOH COMPANY, LTD.;
5 RICOH AMERICAS CORPORATION;
6 SAKAR INTERNATIONAL, INC. D/B/A
7 VIVITAR; SIGMA CORPORATION; SIGMA
8 CORPORATION OF AMERICA; SONY
9 CORPORATION; SONY CORPORATION OF
10 AMERICA; SONY ELECTRONICS INC. and
11 TARGET CORPORATION

12 Defendants.

13 **COMPLAINT FOR PATENT INFRINGEMENT**

14 This is an action for patent infringement in which DIGITECH IMAGE TECHNOLOGIES,
15 LLC submits this Original Complaint against Defendants named herein, namely AGFAPHOTO
16 HOLDING GMBH; AGFAPHOTO USA CORPORATION; B&H FOTO ELECTRONICS CORP.;
17 BEST BUY CO., INC. D/B/A BEST BUY; BEST BUY STORES, LP; BESTBUY.COM, LLC;
18 BUY.COM INC.; CANON INC.; CANON U.S.A., INC.; CASIO COMPUTER CO., LTD.; CASIO
19 AMERICA, INC.; CDW LLC F/K/A CDWC LLC F/K/A CDW CORPORATION; FUJIFILM
20 CORPORATION; FUJIFILM HOLDINGS CORPORATION; FUJIFILM HOLDINGS AMERICA
21 CORPORATION; GENERAL ELECTRIC COMPANY; GENERAL IMAGING COMPANY;
22 VICTOR HASSELBLAD AB; HASSELBLAD USA INC.; LEICA CAMERA AG; LEICA
23 CAMERA INC.; MAMIYA DIGITAL IMAGING CO., LTD.; LEAF IMAGING LTD. D/B/A
24 MAMIYALEAF; MAMIYA AMERICA CORPORATION; MICRO ELECTRONICS, INC. D/B/A
25 MICRO CENTER; NEWEGG, INC.; NEWEGG.COM, INC.; NIKON CORPORATION; NIKON
26 INC.; NIKON AMERICAS, INC.; OLYMPUS CORPORATION; OLYMPUS AMERICA INC.;
27 OVERSTOCK.COM, INC.; PANASONIC CORPORATION; PANASONIC CORPORATION OF
28 NORTH AMERICA; PENTAX RICOH IMAGING CO., LTD.; PENTAX RICOH IMAGING

1 116. On information and belief, VIVITAR has been and now is infringing the '415 patent
2 by actions comprising making, using, importing, selling and/or offering to sell products comprising
3 a device profile for describing properties of a device in a digital image reproduction system to
4 capture, transform or render an image, said device profile comprising: first data for describing a
5 device dependent transformation of color information content of the image to a device independent
6 color space; and second data for describing a device dependent transformation of spatial information
7 content of the image in said device independent color space.
8

9 117. Moreover, on information and belief, VIVITAR has been and now is indirectly
10 infringing by way of intentionally inducing infringement of the '415 patent in this judicial district,
11 and elsewhere in the United States, including by aiding or abetting re-sellers, including but not
12 limited to B&H, BEST BUY, BUY.COM, NEWEGG, OVERSTOCK and TARGET, to sell and/or
13 offer for sale infringing products and/or customers and/or users to use infringing products. Upon
14 information and belief, such induced infringement has occurred at least since this Defendant became
15 aware of the '415 patent, at least through becoming aware of this Complaint.
16

17 118. Upon present information and belief, VIVITAR's infringing products comprise at
18 least the following accused products: ViviCam S325, ViviCam S130, ViviCam S529, ViviCam
19 S1527, iTwist F124, ViviCam F526, ViviCam F128, iTwist F536, ViviCam F131, ViviCam F332,
20 iTwist F129, ViviCam F529, ViviCam T325, ViviCam T016, ViviCam T127, ViviCam T539,
21 iTwist T126, ViviCam T135, ViviCam T125, iTwist T028, ViviCam T322, ViviCam T132,
22 ViviCam T324, ViviCam T137, ViviCam T024, ViviCam T026, ViviCam T030, ViviCam T328,
23 ViviCam T327, ViviCam T532, ViviCam T027, ViviCam X027, ViviCam X016, ViviCam X137,
24 ViviCam X029, ViviCam X020, ViviCam X028, ViviCam X225, ViviCam X026, ViviCam X024,
25 ViviCam X324, ViviCam X327, ViviCam X014, ViviCam X018, ViviCam X025, ViviCam 9124,
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1 ViviCam 9112, ViviCam 7122, iTwist 7028, ViviCam 7024, ViviCam 7022, ViviCam 7690,
2 ViviCam 7399, ViviCam 8124, ViviCam 8225, ViviCam 8025, ViviCam 8690, ViviCam 8018,
3 ViviCam 8400, ViviCam 8027, ViviCam 8324, ViviCam 5118, ViviCam 5024, ViviCam 5020,
4 ViviCam 5028, ViviCam 5018, ViviCam 5188, ViviCam 5022, ViviCam 5399, ViviCam 4090,
5 V69379, ViviCam V25, vstyle 38, V69379M, ViviCam 46, ViviCam 20, vstyle 17G, vstyle 58B,
6 Clipshot 11698, vstyle 28B, vstyle 27G, vstyle 57G, ViviCam V15 and vstyle 18B.

8 119. VIVITAR is thus liable for infringement of the '415 patent pursuant to 35 U.S.C. §
9 271.


10 120. On information and belief, SIGMA has been and now is infringing the '415 patent by
11 actions comprising making, using, importing, selling and/or offering to sell products comprising a
12 device profile for describing properties of a device in a digital image reproduction system to capture,
13 transform or render an image, said device profile comprising: first data for describing a device
14 dependent transformation of color information content of the image to a device independent color
15 space; and second data for describing a device dependent transformation of spatial information
16 content of the image in said device independent color space.

17 121. Moreover, on information and belief, SIGMA has been and now is indirectly
18 infringing by way of intentionally inducing infringement of the '415 patent in this judicial district,
19 and elsewhere in the United States, including by aiding or abetting re-sellers, including but not
20 limited to B&H and BUY.COM, to sell and/or offer for sale infringing products and/or customers
21 and/or users to use infringing products. Upon information and belief, such induced infringement has
22 occurred at least since this Defendant became aware of the '415 patent, at least through becoming
23 aware of this Complaint.

1 Dated: July 16, 2012

Respectfully submitted,

2 COLLINS, EDMONDS, POGORZELSKI,
3 SCHLATHER & TOWER, PLLC

4 
5 John J. Edmonds

6 Attorney for Plaintiff
7 DIGITECH IMAGE TECHNOLOGIES, LLC
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7 Attorney for Plaintiff,
 8 **DIGITECH IMAGE TECHNOLOGIES, LLC**

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

SACV12 - 01673 JVS (ANx)

11 DIGITECH IMAGE TECHNOLOGIES,
 12 LLC,

CASE NO.

13
 14 Plaintiff,
 15 v.

**ORIGINAL COMPLAINT FOR
 INFRINGEMENT OF U.S. PATENT
 NO. 6,128,415**

16 SAKAR INTERNATIONAL, INC.
 17 D/B/A VIVITAR

DEMAND FOR JURY TRIAL

18 Defendants.

Complaint Filed: October 1, 2012

19
 20
 21 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

22 This is an action for patent infringement in which DIGITECH IMAGE
 23 TECHNOLOGIES, LLC submits this Original Complaint against Defendant named
 24 herein, namely SAKAR INTERNATIONAL, INC. D/B/A VIVITAR; ("VIVITAR" or
 25 "Defendant"), as follows:
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 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 SANTA ANA

FILED

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1 second data for describing a device dependent transformation of spatial information
2 content of the image in said device independent color space.
3

4 10. Moreover, on information and belief, VIVITAR has been and now is
5 indirectly infringing by way of intentionally inducing infringement of the '415 patent
6 in this judicial district, and elsewhere in the United States, including by aiding or
7 abetting re-sellers, including but not limited to B&H, BEST BUY, BUY.COM,
8 NEWEGG, OVERSTOCK and TARGET, to sell and/or offer for sale infringing
9 products and/or customers and/or users to use infringing products. Upon information
10 and belief, such induced infringement has occurred at least since this Defendant
11 became aware of the '415 patent, at least through becoming aware of this Complaint.
12
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14

15 11. Upon present information and belief, VIVITAR's infringing products
16 comprise at least the following accused products: ViviCam S325, ViviCam S130,
17 ViviCam S529, ViviCam S1527, iTwist F124, ViviCam F526, ViviCam F128, iTwist
18 F536, ViviCam F131, ViviCam F332, iTwist F129, ViviCam F529, ViviCam T325,
19 ViviCam T016, ViviCam T127, ViviCam T539, iTwist T126, ViviCam T135,
20 ViviCam T125, iTwist T028, ViviCam T322, ViviCam T132, ViviCam T324,
21 ViviCam T137, ViviCam T024, ViviCam T026, ViviCam T030, ViviCam T328,
22 ViviCam T327, ViviCam T532, ViviCam T027, ViviCam X027, ViviCam X016,
23 ViviCam X137, ViviCam X029, ViviCam X020, ViviCam X028, ViviCam X225,
24 ViviCam X026, ViviCam X024, ViviCam X324, ViviCam X327, ViviCam X014,
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1 Vivicam X018, Vivicam X025, Vivicam 9124, Vivicam 9112, Vivicam 7122,
2 iTwist 7028, Vivicam 7024, Vivicam 7022, Vivicam 7690, Vivicam 7399, Vivicam
3 8124, Vivicam 8225, Vivicam 8025, Vivicam 8690, Vivicam 8018, Vivicam 8400,
4 Vivicam 8027, Vivicam 8324, Vivicam 5118, Vivicam 5024, Vivicam 5020,
5 Vivicam 5028, Vivicam 5018, Vivicam 5188, Vivicam 5022, Vivicam 5399,
6 Vivicam 4090, V69379, Vivicam V25, vstyle 38, V69379M, Vivicam 46, Vivicam
7 20, vstyle 17G, vstyle 58B, Clipshot 11698, vstyle 28B, vstyle 27G, vstyle 57G,
8 Vivicam V15 and vstyle 18B.

12 12. VIVITAR is thus liable for infringement of the '415 patent pursuant to
13 35 U.S.C. § 271.

15 13. As a result of Defendant's infringing conduct, Defendant has damaged
16 DIGITECH. Defendant is liable to DIGITECH in an amount that adequately
17 compensates DIGITECH for its infringement, which, by law, can be no less than a
18 reasonable royalty.

20 14. DIGITECH will take discovery relative to Defendant's pre-suit
21 knowledge of the '415 patent at the appropriate time. Upon information and belief,
22 Defendant's infringement of the '415 patent since receiving notice of the patent, at a
23 minimum by virtue of this lawsuit, would necessarily be willful and objectively
24 reckless at least due to the fact that the Defendant's infringement is clear and there is
25 no known good faith basis to assert invalidity.

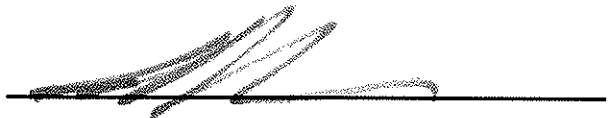
DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: October 1, 2012

Respectfully submitted,

COLLINS, EDMONDS,
POGORZELSKI, SCHLATHER &
TOWER, PLLC



John J. Edmonds – LEAD COUNSEL
State Bar No. 274200

Attorney for Plaintiff
DIGITECH IMAGE
TECHNOLOGIES, LLC